

CONDUCTED BY THE
INTERNATIONAL CITY MANAGERS' ASSOCIATION

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SUMMARY OF REPLIES TO SELECTED MIS INQUIRIES

What questions have been raised by MIS inquiries that are of general interest to all subscribers?

Management Information Service is now in its 14th year. Besides preparing monthly reports on timely subjects, MIS answers 100 inquiries a month from 1,050 subscribers. Answers point out trends, recommend examples of good practice, suggest possible courses of action, indicate references, and often include the loan of books, reports, and other materials from the MIS library. This report summarizes replies to inquiries in which particular interest has been shown during 1958. The summarized subjects are:

- Regulation of Telephone Advertising
- Leasing Concessions on City-Owned Property
- Control of Odd-Shaped Lots
- Development of Executive Pay Plans
- Charges for Overnight On-Street Parking
- Regulation of Fences
- Evaluation of Pedestrian Malls
- Regulation of City Boards and Commissions

Regulation of Telephone Advertising

Question: This city has been plagued with sales promotion activities by telephone. Have other cities adopted ordinances to control telephone solicitations?

Some cities have adopted ordinances regulating telephone solicitations including Atlanta, Georgia; Los Angeles, California; Newport News, Virginia; and Ogden, Utah. The Atlanta ordinance states in part: "It shall be unlawful for any person in his own name or for the benefit of any other person to conduct any sales campaign or sales promotion of any nature whatsoever by the use of the telephone without first obtaining a permit therefore from the police committee." The Ogden ordinance also requires that telephone solicitors obtain a permit showing the following: name and home address of the solicitor; name and home address of person, firm, or corporation whom the solicitor represents; a photograph of the solicitor; and certification of the director of finance. The Newport News ordinance is similar to the Atlanta and Ogden ordinances.

The Los Angeles ordinance forbids telephone solicitation by professional solicitors for any purpose, whether charitable or commercial. The section states in part: "No person shall for pecuniary compensation or consideration conduct or make any solicitation by telephone for or on behalf of any actual or purported charitable use, purpose, association, corporation, or institution. ... [this] provision ... shall not apply to any communication by telephone between persons personally known to each other." This ordinance has been sustained by rulings of the municipal court of Los Angeles.

One problem of this kind of ordinance is the telephone solicitation made from outside of the city. In Los Angeles, the provisions of this ordinance have been upheld in the courts, and professional solicitors telephoning from outside of the city are not permitted to make such solicitation within the city. The Los Angeles ordinance in no way prohibits members of religious or charitable groups from voluntarily soliciting others for contributions. However, this must be on a voluntary

asis and is regulated by another provision which states as follows: "No person shall solicit any contribution by printed matter or published article or over the radio, television, telephone, or telegraph unless such publicity shall contain the data and information required to be set forth on the information card; provided that when any solicitation is made by telephone the solicitor shall present to each person who consents, or indicates a willingness to contribute, prior to accepting a contribution from said person, such information card or a true written copy thereof."

Leasing Concessions on City-Owned Property

Question: What procedures should be followed in leasing concessions on city-owned property to private operators?

It is usually desirable to place standard concession operations by competitive bids. However, if the concession is of an extremely specialized nature and one which will not attract wide interest of bidders, it may be preferable to negotiate directly with potential operators. If the concession is to be operated for a profit, with the city taking part of the earnings, a competitive bid might be less necessary than if the concession is operated primarily as a service without showing a profit.

If service is of primary importance, one of the first questions which invariably arises is the extent to which advertising for bids should be handled on an open bid basis as contrasted to more rigid qualifications for bidders. The advantages of few qualifications are that this is held to be fair and offers equalized opportunity to all interested parties. The advantage of establishing more stringent prequalifications for bidders is that this will eliminate inexperienced or overambitious operators who will offer bids higher than the business justifies, with the result that inferior services are offered or prices charged that are out of line with business methods, and the operator is unable to remain long in business.

The first step in leasing the concession should be to prepare complete specifications which should include: (1) the nature and location of the operation; (2) the term of the lease and whether or not the concession agreement will give exclusive rights to the successful bidder to operate the concession; (3) date bids must be submitted; (4) the amount of money required to accompany the bid; and (5) terms for cancelling the contract. It is desirable to include any information regarding previous financial experience, if available, and to spell out conditions the city will impose on the concessionaire such as hours of operation, maintenance of the building and equipment, health and safety requirements, insurance, and other miscellaneous matters necessary to protect the city and provide for a sound operation.

After the contract has been awarded, it is necessary to prepare a concession agreement between the city and the operator. Such an agreement should include the following:

1. The reason and purpose for the operation of the concession.
2. Legal location of the facilities.
3. Definition of the uses of the facility and restrictions on use.
4. Duration of the lease — usually one year.
5. Conditions should be spelled out concerning the termination of the agreement by either party as should conditions for continuing the concession with the same party. While some argue that it is more desirable to provide for no renewable clause, others feel that for certain concessions it is not desirable to ask the original bidder to again face public bids. They argue that the lease should be for a certain stated period only as a device to relieve the city in case of unsatisfactory service by the lessee. It is believed that to require the original bidder to rebid annually might hinder the concessionaire in building up a successful business because of uncertainty as to how long he will be able to continue the operation.
6. The agreement should provide for a basis of payment to the city which may be in the form of a flat fee; a percentage of the profits, either gross or net; a percentage of total receipts; a percentage of total receipts with a minimum fee; or other basis. When basing the city's receipts on a portion of gross or net profits, a formula should be devised for determining these profits. Terms

should be spelled out for making payments to the city. If the payments are a flat fee, they should be made in advance, at the end of the season or monthly. If payments are based on a percentage of profits or receipts, payments could be made monthly on an estimated basis with the final payment being computed after all books are made up and audited.

7. The agreement should provide that the concessionaire will not charge prices other than those authorized or approved by the city and not in excess of prevailing prices and charges made for the same kind and quality of services elsewhere. It should be agreed upon who will supply the necessary equipment in the concession, how this equipment will be maintained, and exactly what amount and type of equipment will be required.

8. Provision should be made as to who will pay for the public utilities such as electric, gas, water, and telephone, and it should be provided that the premises shall be maintained in accordance with sanitation requirements of the city health department.

9. The concessionaire must keep at hand at all times a sufficient supply of all merchandise to adequately serve the public.

10. The concessionaire will employ only competent persons, and one person will constantly be in charge of the premises. The concessionaire should be required to not permit disorderly persons to loiter about the premises.

11. The concessionaire should not allow any accumulation of rubbish on the premises. Strict requirements should be included regarding picking up paper and trash since this is oftentimes a bothersome chore which concessionaires will ignore to a degree.

12. Another important provision to be included relates to advertising signs — whether or not signs will be permitted and, if they are permitted, the location and size of signs that may be erected.

13. If the premises should be destroyed in a disaster the agreement should end at the option of either party, but in the case of partial damage and the city restores the premises to its previous condition, a just portion of the rent for the period the concessionaire could not operate should be refunded by the city.

14. The hours of operation of the concession should be clear so that the operator does not operate only during the most profitable hours and leave the public without service at other times.

15. The concessionaire's agreement should require the operator to cover employees under workmen's compensation, public liability, and other insurance policies. In many cases the concessionaire is required to furnish a fire insurance policy and faithful performance bond. The agreement should provide that the city is harmless from any damages or costs which may arise or be set up because of damages to property suffered by operation of the concession.

16. The agreement should state whether or not the city will permit an assignment of the lease or subletting of portions of the premises. Another feature that should be included in the agreement is whether or not, if the city permits the owner to break the contract, a payment is to be made for goodwill or whether the concessionaire in the case of assignment can charge his successor for goodwill.

Undoubtedly many other features should be included in order to meet local needs. The above mentioned items are only some of those that should be included in such an agreement with a private operator.

The purpose of having a private concessionaire is to provide better service than the city itself could provide. In some situations it may be more desirable for the city to operate the concessions. There is a trend toward cities performing more concession-type operations.

Control of Odd-Shaped Lots

Question: How can we control subdivision layouts to prevent the development of odd-shaped lots? We are especially interested in a rule governing frontage requirements.

In order to prevent the creation of triangular and other odd-shaped lots in new residential

It is the duty of the Board of Commissioners to see that the revenue of the District is collected and paid over to the Treasury of the United States in full and on time. It is also the duty of the Board to see that the revenue is collected and paid over to the Treasury of the United States in full and on time.

The Board of Commissioners is composed of three members, one of whom is the Mayor of the District, and the other two are appointed by the Board of Commissioners. The Board of Commissioners is the governing body of the District and is responsible for the collection and payment of the revenue.

The Board of Commissioners is also responsible for the management of the District's property and for the collection and payment of the District's taxes. The Board of Commissioners is also responsible for the collection and payment of the District's taxes.

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developments, subdivision regulations should specify definite building lines as well as frontage requirements. In addition to minimum frontage the subdivision ordinance can specify a minimum width at the building setback line. This is the line specified in the zoning ordinance for setback from the street or from the front of the lot.

Mount Clemens, Michigan, for example, requires a lot width at the building setback line of not less than 60 feet. In addition the depth can be no greater than three times the lot width required at this building setback line, and the entire area of the lot cannot be less than 6,000 square feet. By the inclusion of such width requirements at the building setback line, a more realistic frontage requirement is obtained since the purpose of lot width requirements is to provide for sufficient sunlight and open space between dwellings. Also, since the width requirement at the setback line is 60 feet and the area requirement is 6,000 square feet, a rectangular lot with a minimum width must have at least 100-foot depth in order to meet the area requirement.

The Mount Clemens regulations also require that side lot lines generally be at right angle to street lines except in unusual circumstances where deviations from this practice must be approved by the planning commission. The ordinance also forbids the layout of lots fronting on two streets which would permit the construction of houses to front on either street.

In addition to requiring minimum street widths, grades, and construction standards, the Mount Clemens regulations require that streets touch only one side of an inside lot and that intersections approach as nearly as possible a 90-degree angle. This helps to avoid the layout of triangular or other irregularly shaped lots.

Development of Executive Pay Plans

Question: It is my understanding that several cities have had some experience or at least done some experimenting in developing an executive-type pay plan for department heads which is separate from the usual plan for other employees. Would you send us information?

Two cities have enacted separate executive-type pay plans: Syracuse, New York, and Two Rivers, Wisconsin.

The Syracuse plan has several grades of executives. Grade I executives include the positions of city engineer, corporation counsel, commissioner of finance, commissioner of health, commissioner of parks, commissioner of public works, director of urban renewal, and secretary to the city planning commission. According to the plan adopted in 1957, each of these executives receives annual increments of \$833 and were raised to the new minimum salary for grade I executives of \$11,000 per year. Grade IA executives include the assistant director of city planning, deputy commissioner of health, deputy commissioner of public works, deputy director of urban renewal, first assistant corporation counsel, first deputy city engineer, first deputy commissioner of finance, and first deputy commissioner of parks. They were raised to a minimum of \$8,500 per year with annual increments of \$667 per year.

Grade II executives include the chief of police, chief of fire, city clerk, city traffic engineer, commissioner of assessment, commissioner of contracts and purchases, and director of municipal research who were raised to a minimum of \$9,000 per year with the same increment as grade I executives, \$833 per year. The grade IIA executives, deputies to grade II executives, were raised to a minimum of \$7,000 per year with annual increments of \$667.

Two Rivers, Wisconsin, has established salary ranges outside the city's regular classification and pay plans for the positions of fire chief, police chief, recreation director, director of finance, director of utilities, director of public works, and hospital administrator. Broad ranges have been established for each position on the basis of pay for similar positions in other cities and executive pay by private industry in the area. Ranges for these positions vary from \$5,100 to \$8,600 per year. The ranges do not include specified steps for pay increases. Pay within the range for each position will be determined annually by a conference between the department head and the city manager and will be based on career development, merit, and performance. The city council will review these salaries at the time the budget is up for adoption.

In establishing a salary schedule for department heads, certain factors to consider are: the ratio of the department head's salary to that of the city manager; the rate of pay necessary to attract competent and professionally trained department heads; and the relationship of the salary of one department head to that of another which should be correlated with the differences in professional training and experience, degrees of difficulty and responsibility, recruitment as affected by the job market, number of employees supervised, and the scope of the departmental program.

Certain advantages accrue from establishing a separate pay plan for executives, such as increased benefits, specific ranges of salary as a tangible inducement to recruiting qualified personnel, and tangible recognition of a career service. However, such a separate pay plan may be somewhat detrimental to the morale of other employees. While separate pay plans exist in the British Civil Service, this has not been widely accepted in the United States.

Charges for Overnight On-Street Parking

Question: What cities levy a charge for overnight parking on city streets?

Two cities which charge for parking on the street overnight are Monterey Park, California, and Milwaukee, Wisconsin.

In Monterey Park a charge of \$7.50 for a six-month period is levied by the city. This applies to all vehicles on the streets between the hours of 2 a.m. and 4 a.m.

Milwaukee receives over \$400,000 per year from its \$4 monthly charge for overnight parking on residential streets. The city uses this money to buy and develop land in these areas for off-street parking lots. Milwaukee at one time prohibited any on-street parking at night, but the city later recognized that off-street parking was not adequate. The permit system allows parking on the even-numbered side of the street on even-numbered dates and parking on the odd-numbered side of the street on other days.

Milwaukee has financed four residential parking lots from street parking charges. These have made it possible for the city to start a program of relieving all-day employee parking problems as well. The lots are located in areas where there is little demand for short-time parking, but they are within reasonable walking distance to business and industrial areas and therefore provide parking spaces during the daytime as well as for residential, overnight parking. The lots are leased to private firms for operation but are maintained by the city. In order to set a high standard of design and preserve the residential character of the area, the lots are macadam surfaced and have metal mesh fences, planted areas, lighting, drainage, and curbs. The lot is set back from the street line a distance equal to the setback of adjoining properties.

Where curb space is plentiful, freedom to park on streets has little monetary value. However, where there is a general scarcity of curb space, the privilege of street parking is valuable. There is therefore justification of levying a charge for the privilege of parking on the street. Permitting free use of public space by private parties is contrary to long established practices. For example, utilities extending their property in, on, or under public rights-of-way or other public areas are subject to a special franchise tax, imposed partly for the privilege of occupying the public space. While some argue that streets would have little value to motorists if they were not allowed to park, this assumes that this space cannot be used as thoroughfare. With increased traffic, however, there is a great need for thoroughfare space. Since costs of street widening are in many cases prohibitive, the only other way to gain more thoroughfare space is to eliminate parking. While thoroughfares may require temporary parking for transaction of business, the argument for charges for temporary parking has already been answered by installation of parking meters. The use of streets as garages may interfere with the proper function of the streets as thoroughfares.

Street cleaning is made difficult and more costly due to parking on streets. It is estimated that where cars occupy more than 50 per cent of the curb space, the additional cost of adequate cleaning is greatly increased. The levying of a parking charge would serve to allocate scarce space more efficiently by keeping out those automobile owners to whom the privilege of parking is least valuable.

Regulation of Fences

Question: We are interested in regulating the erection of fences which are now being erected that the view at traffic intersections is hindered. Can you send us some well-prepared regulations from the cities?

Most zoning ordinances regulate fencing in residential zones in order that air and sunlight are not obstructed. The Greensboro, North Carolina, zoning ordinance permits retaining walls and fences less than five feet high and less than 60 per cent solid. It also allows solid fences less than six feet high when located on a rear plat line which is not a street line.

The Mount Lebanon, Pennsylvania, ordinance prohibits the erection of a solid fence. "Ornamental fences may be erected for a height not exceeding 42 inches provided that such fences shall have a ratio of the solid portion of the fence to the open portion not to exceed one to four."

The most thorough fencing regulations are contained in the Pomona, California, zoning ordinance. In residential districts six-foot fences are required at the tops of slopes when: (1) the top of the slope is a property line between adjoining lots held under separate ownerships; (2) where the difference in vertical elevation between the top and the toe of the slope is six feet or more; and (3) where the grade of the slope between the property line and the top of said slope is two to one or greater. This ordinance also requires that fencing used to enclose tennis courts or other game areas shall be composed of wire mesh or steel mesh capable of admitting at least 90 per cent of the light as measured on a light meter.

The Pomona ordinance permits fences, hedges, and walls in all districts, but requires that they not exceed six feet in height when located on rear or side property lines and that they not exceed four feet when located in any front yard or side yard adjoining the street. Such fences, hedges, or walls must be set back five feet from the side property line if erected along the side of the street.

Fencing regulations are also enacted in order to provide for clearance at intersections. For example, the Fullerton, California, zoning ordinance requires that all corner lots subject to yard requirements shall maintain for safety vision purposes a triangular area, one angle of which shall be formed by the front and side lot lines. These side lines forming a triangle and the corner angle shall each be 15 feet in length measured from the corner and angle. The third side of the triangle shall be a straight line connecting the extremities of the two side lot lines a distance fifteen feet from the intersection of the front and side lot lines. Within the area comprising this triangle, no fence, shrub, or other physical obstruction higher than 36 inches above the established curb grade is permitted. The same provision applies to corners formed by the intersection of a street and alley, except that the lot sides facing on the alley and street shall be used to form two legs of the triangle and such legs need not be more than 10 feet in length.

Sacramento, California, has an ordinance forbidding the growth of shrubbery or forbidding other obstructions to view higher than 36 inches above the level of the center of the adjacent intersection. The provision is as follows: "On property at any corner formed by intersecting streets, it shall be unlawful to install, set out or maintain, or to allow the installation, setting out or maintenance of, any sign, hedge, shrubbery, natural growth, or other obstruction to the view, higher than six feet, 6 inches above the level of the center of the adjacent intersection within that triangular area between the property line and a diagonal line joining points on the property lines 25 feet from the point of their intersection, or in the case of rounded corners, the triangular area between the tangents to the curb and the diagonal line joining points on said tangents 25 feet from the point of their intersection. The tangents referred to are those at the beginning and at the end of the curve at the corner." In other words, within 25 feet of an intersection as formed by a triangle composed of a diagonal and two edges of the property line, no trees or shrubs higher than 36 inches above the level of the adjoining intersection may be grown.

Evaluation of Pedestrian Malls

Question: What cities have blocked off streets in order to create a shopping center atmosphere, more commonly known as a "pedestrian mall"?



Although pedestrian malls have been studied and proposed for a large number of cities, the only cities that have actually experimented with blocking off streets and creating a downtown mall are Boston; Grand Haven, Michigan; Oberlin, Ohio; Oxnard, California; Springfield, Oregon; Waco, Texas; and several cities in Germany.

Boston. In Boston the traffic commission has approved establishment of an experimental traffic-free shopping mall on two downtown streets. The streets are closed only during the day. The area has experienced a sharp increase in business and the public is reported to have reacted favorably to "the opportunity to shop leisurely . . . in an improved atmosphere."

Grand Haven. In Grand Haven, Michigan, the undertaking entitled "Projection 60" was a 26-day experiment with a shopping mall in two blocks of the downtown business district. The project was to have lasted only one week, but upon petition of merchants within the shopping area the city council voted to continue the experiment for 19 more days. The city plans to create a permanent shoppers' mall in 1960. The merchants supplied a \$3,000 budget for landscaping the mall and \$2,000 for other purposes.

A survey conducted by the city showed that 25 out of 35 merchants had a business increase during the time the mall was operated, seven showed a decline, and three showed no change. Those showing a decrease in business were restaurants, taverns, one drugstore, and one electrical supply store. Two establishments showed no change, and all other stores had increased business.

A postcard survey in Grand Haven revealed that 53 per cent of the people questioned felt that the mall should be continued. Several thought the idea was exciting, but others thought it was unimpressive. Those who spent more than one-half hour in town were more favorably impressed with the pedestrian mall idea than those who came in for quick errands.

A telephone survey showed about the same findings as the postcard survey. Of the 100 persons surveyed, 55 per cent said they liked the idea, 32 per cent said they didn't like it, and 13 per cent were undecided. Of those who said they liked the mall idea, about 40 per cent of this group mentioned the leisurely shopping atmosphere, 35 per cent enjoyed the shrubs and flowers, and about 20 per cent mentioned the children's play area. Eighty-six per cent of the people who said they did not like the mall complained about the parking problem. They felt many stores were not conveniently accessible for one-stop shopping. They also complained about the unattractive rear entrances to stores and the fact that they cannot drive down the main street for the fun of it. A few people were concerned that young children might acquire dangerous habits by being allowed to walk on the main street unrestricted.

The survey sought to probe public opinion from merchants, shoppers, tourists, and other groups. It attempted to perceive any correlation between the popularity of the mall with the short-time shopper and the long-time shopper. To this end, the city appointed a full-time man possessing substantial training in market analysis. He was aided by a vocational teacher from the high school.

Some conclusions drawn from the Grand Haven experiment are as follows:

1. Select an area where the number of businesses which might suffer a loss would be at a minimum — specifically, auto service establishments, quick shopping stores such as news stands and tobacco stores, and businesses depending upon public transportation such as bus stations. If such establishments appear within the mall area, determine if they are or could be made accessible from close, convenient parking areas.

2. Determine in advance the exact number and identity of merchants within and near the mall who favor as well as oppose the plan.

3. Review with the city attorney all possible legal implications including the following points: (1) outline all legal procedures for closing the street with or without objection; (2) check on liability coverage in case of accident within the mall (this cost should not be burdensome); (3) determine if store owners can use the walks for some attractive feature not generally allowed, and what limits should be imposed (sidewalk cafes, for example); (4) check as to the likelihood of a store, claiming loss of business, suing the city for damages, whether or not the merchant favored the mall at first, (e) depending upon the situation, raise any and all other legal questions that can be anticipated.

4. Once it has been decided to proceed with the mall, give maximum publicity to all meetings, discussions, official actions, and other activities involving city officials. Stress the city's desire to help find assistance for established business throughout the area rather than just those within the project. Don't expect universal approval, but keep in mind that in most cases the strongest support lies in honesty and sincerity.

5. Alert the police department to the need for study, anticipating changes in traffic patterns and parking requirements. Determine the need for new signs. Make a study for traffic patterns not only to expedite traffic flow but also to make sure this flow is not unnecessarily diverted away from businesses not within the mall.

In operating the mall, maintain a close and continuing survey of factors affected by the mall. Conduct a survey so as to reveal possible advantages and disadvantages and how they might apply in other shopping areas of the city. Remind the merchants within the mall of the fact that the city can participate financially only as far as it can justify such participation to the service of the general public.

Oxnard, California. For one week, early in November, 1958, Oxnard, California, experimented with a pedestrian mall centered at the city's main intersection and expanding one block in four directions. Ninety-five per cent of the merchants petitioned the city council, the council held a public hearing, and interest was sufficient to warrant a trial. Following the hearing, the council held a meeting with the downtown merchants' association, planned details, named a committee, set up a time schedule, and fixed specific responsibilities. Volunteer crews to set up the mall were selected.

Streets were barricaded with signs listing the shops on the street, benches were provided, and shrubbery and plants were placed in islands in the center of the streets to provide some landscaping. Children's playground facilities were moved in. Vehicular access was granted only to delivery trucks for stores not served by alleys. Bicycles were not permitted.

Questionnaires were left in each store, and in addition to asking specific questions, invited comments from the public. A total of 623 questionnaires were returned — 330 favoring the mall, 246 opposed, and 47 indifferent. The largest group of those opposed blamed the lack of near-by parking as their reason. Others said perimeter traffic problems were intensified, that the downtown area looked dead, or that they just didn't like it. Those favoring the mall commented on the attractiveness. They praised the play facilities; the convenience of no cross streets or traffic lights; the feeling of relaxation, safety, and freedom; and its attractiveness to out-of-town residents.

In evaluating the test, city staff members felt that the mall experiment had four major problem areas.

1. Lack of Parking Space. The city will need more off-street parking lots in the downtown area. Meter parking on the perimeter streets will need to be extended from a one-hour to a two-hour limit to accommodate shoppers. Additional trolley service from off-street lots to the mall will be necessary.

2. Incompatible Uses. Some of the uses along the mall are not immediately compatible. For example, the three banks require vehicle access for depositing heavy coins. For this purpose the problem was temporarily solved by providing police cars when needed. One building and loan association on the mall recently erected a new building with drive-in facilities. Fortunately there were no automobile dealers or gasoline service stations in the mall area.

3. Land Ownership. Only one of the mall's many business properties is owner occupied. This complicates the land-use picture in the event of long-term leases. Building modifications to take advantage of a mall will be needed. A mall could require a sizeable reinvestment by a property owner to retain a tenant or to invite a new one.

4. Lack of Experience. Little experience or research data are available on converting commercial boulevards to pedestrian malls.

Springfield, Oregon. For 11 days in August, 1957, Springfield experimented with a pedestrian mall by closing off two and one-half blocks of the principal business street. The project was sponsored jointly by the local chamber of commerce, the city government, and the Oregon State Highway

Department. The main street blocked off was landscaped; benches and displays of art and local industry were provided; and other features were included such as music, live entertainment, amusement rides for children, and special events. Cross streets were blocked off for all but pedestrians and diagonal parking of automobiles. The estimated 11,000 cars which formerly passed through the district each day were re-routed on a by-pass with permission of the state highway department. The 95 per cent of the downtown merchants approving this plan paid for the signs, landscaping, and other phases of the downtown closing, while the city government provided the necessary police, fire, and other city services.

In an evaluation it was learned that a large majority of the shoppers liked the experiment, while those adjacent to but not on the pedestrian mall were strongly opposed. The evaluation was made by several methods including a postcard survey of shoppers, a questionnaire distributed to merchants, attendance figures, and an automobile traffic count.

Conclusions drawn from the survey were that a traffic by-pass is necessary for an integrated, pedestrian-type shopping center. Shoppers like to park within easy walking distance of the shopping area, but merchants object to the elimination of front door parking. Shoppers like the freedom of access when automobile traffic is eliminated but this in turn sets the physical limits for the pedestrian-type mall. It was generally concluded that a few relatively simple and inexpensive changes can make a central downtown shopping district much more attractive and profitable. Two problems to be overcome are that the physical plan of the downtown center must be changed drastically, and that the downtown merchants must be convinced of the value of the plan so that their cooperation can be enlisted.

Waco, Texas. The Waco, Texas, experiment was for only three days, and no written evaluation has been made public. It is reported that Waco is contemplating a second experiment.

Essen, Germany. This city has closed off two streets in the central business district during the daytime hours in order to accommodate shoppers. During the evening hours vehicles are permitted only to load and unload goods. Merchants are encouraged to load and unload at the rear entrances. This plan, which has won the support of merchants and businessmen, has required the city to provide off-street parking in near-by areas in order to accommodate shoppers.

The establishment of experimental pedestrian malls have been an attempt to revitalize the downtown business district and to make it competitive with outlying shopping centers or the business districts of other near-by communities. Due to numerous peculiar local characteristics, it is difficult to say whether the pedestrian mall will or will not be an effective device for revitalizing the downtown business district.

Regulation of City Boards and Commissions

Question: Can you furnish us with some rules and regulations for the organization and operation of boards and commissions? We are particularly concerned with defining ethical standards of conduct for members of regulatory and advisory boards.

Wichita, Kansas, has enacted an ordinance that comprehensively provides for the appointment, qualifications, standards of conduct, and rules and regulations for the organization and operation of city boards and commissions. This ordinance defines qualifications of members appointed to boards and commissions, prescribes minimum standards of conduct, defines conflict of interest, prescribes a general organizational structure for such boards and commissions, and outlines procedures to be followed by the city manager and the city council in appointing members to such boards.

Members of boards and commissions may not be city employees except in the case of boards required by ordinance to be composed of employees. All boards must be composed of citizens who reside either in the city or within the territory subject to the jurisdiction of the respective boards. Board members may not be relatives of councilmen nor sit on more than one board at the same time.

In order that such boards and commissions are truly citizen boards and commissions, the ordinance requires, as nearly as practicable, that 50 per cent of all members shall be public members whose businesses or professions are not related directly to the affairs conducted by the board. This provision mitigates possible conflict of interest.

The House of Representatives has the honor to acknowledge the receipt of the report of the Committee on the subject of the proposed amendment to the Constitution, and to express its appreciation of the efforts of the Committee to bring about a settlement of the question. The report of the Committee is a valuable contribution to the discussion of the subject, and it is hoped that it will lead to a final settlement of the question.

In the report of the Committee, it is stated that the proposed amendment is a valuable addition to the Constitution, and that it is hoped that it will lead to a final settlement of the question. The report of the Committee is a valuable contribution to the discussion of the subject, and it is hoped that it will lead to a final settlement of the question.

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RECORDS OF THE HOUSE OF REPRESENTATIVES

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The Wichita ordinance aims at elimination of conflict of interest in another way by requiring that no board member may sell directly to the city or indirectly as a first tier subcontractor or supply to any organization over which the city council has budgetary control or appointive power. This same rule applies to city councilmen.

The ordinance further provides that a member of such board or commission cannot sell to other city boards or commissions any commodity or service exceeding \$1,000 unless such sales are by competitive bids and are publicly recorded by the city clerk. No persons engaged in the business of paving, sewer construction, utility companies, transit and taxicab companies under franchise or city ordinance control, or hazard insurance salesmen participating in the sale of insurance to the city, may be appointed to boards and commissions. An additional provision restricts representation on boards and commissions to persons who are not employed in the above-mentioned businesses, officials or stockholders of such businesses, or others who in any way are in a position to influence the management of such businesses.

The organizational requirements spelled out in this ordinance are that all boards shall be composed of at least five members, that the maximum term of all members shall be four years, and that each board shall be composed of one presiding officer and two vice chairmen or vice presidents. Boards are required to meet at least once a month and are provided with a full-time city employee as ex officio secretary.

Appointments to boards and acceptance of appointments must be made in writing. Board members must be removed after due notice and hearing following three months consecutive absence from more than 50 per cent of the meetings held during a 12-month period. Each board member is required to disclose any conflicts of interest that he observes in board considerations, and the city council is required to appoint members from the broadest possible base of the community except as may otherwise be provided for advisory boards. In these situations, it is necessary to appoint persons who are well acquainted with specific subjects. The city council maintains the right to review decisions of those boards over which it has the power of appointment.

The ordinance spells out procedures to be complied with by the manager and the council when appointing members to boards and commissions. The manager is required to notify the city council, through the agenda, of the expiration of terms of appointment or vacancies. The council is required to make appointments in writing on forms providing biographical data and qualifications at the first regular meeting following the notification of a vacancy or expiration of term.

Following the appointment of board members, the city manager is required to apply policies and standards established by the council to all citizen boards and commissions. It is his duty to recommend to the council any changes in policy necessary to the functioning of such boards.

It is the duty of the manager to prepare a "certificate of appointment" for each board member with a statement of the policies and standards for the operation of the board as outlined by rules and regulations. An appointed board member is required to resign immediately if he finds that he is unable to comply with the policies and standards defined in the "certificate of appointment." In the event situations arise where a business relationship requires clarification of established policies and procedures and where the public interest may require that exceptions be made from previously defined rules, it is the duty of the city council to take formal action and to publicly disclose its decision and the reasons for the decisions.

Note: This report was prepared by David U. Fitzcharles, staff member, the International City Managers' Association.

